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HUMAN RIGHTS COMMITTEE

Seventieth session

SUMMARY RECORD OF THE 1896th MEETING

Held at the Palais Wilson, Geneva,
on Friday, 3 November 2000, at 10 a.m.

Chairperson: Ms. MEDINA QUIROGA

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CLOSURE OF THE SESSION

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GE.00-45547 (E)

The meeting was called to order at 10.10 a.m.

ORGANIZATIONAL AND OTHER MATTERS (agenda item 2) (continued)

1. The CHAIRPERSON informed members that the lists of issues for the seventy-first session, together with the Committee's concluding observations, would be sent out by the secretariat in all languages as soon as they were ready.

Amendments to the rules of procedure of the Human Rights Committee

2. The CHAIRPERSON invited Lord Colville to introduce his proposed amendments.

3. Lord COLVILLE said that, if any of his proposals gave rise to objections, he would be willing to withdraw them so that time need not be spent on discussion.

Rule 2.1

4. Lord COLVILLE proposed that the paragraph should be amended to read: "The Committee shall normally hold three regular sessions each year".

5. Rule 2.1, as amended, was adopted.

Rule 11

6. Lord COLVILLE proposed that the word "appointed" should be replaced by "elected" in order to bring it into line with the wording used in rule 12.

7. Rule 11, as amended, was adopted.

Rule 33

8. Lord COLVILLE proposed the addition of the following sentence: "The consideration of communications under the Optional Protocol and the adoption of concluding observations under article 40 shall take place in closed meetings".

9. Mr. SCHEININ proposed that the rule should not be amended, to allow for the possibility that in the future consideration of communications might include oral hearings, which were public.

10. Ms. EVATT pointed out that rule 96.1 already provided that examination of communications should be in closed session. The amendment was therefore unnecessary.

11. Lord COLVILLE withdrew his proposed addition to rule 33.

Rule 35

12. Lord COLVILLE proposed that the last three sentences of the rule should be deleted, on the grounds that, at least in New York, summary records were not distributed in time for any corrections to be submitted.

13. Ms. EVATT said she was opposed to that amendment since members should have the opportunity to submit corrections even if they did not always avail themselves of it.

14. Lord COLVILLE withdrew his proposal.

Rule 63

15. Lord COLVILLE proposed that the words "through the Economic and Social Council" should be deleted, on the grounds that, by Council decision 1985/105 of 8 February 1985, the Secretariat was authorized to transmit the report directly to the General Assembly.

16. Mr. KLEIN pointed out that the rule simply reproduced the wording used in article 45 of the Covenant, and thus could not be changed.

17. Lord COLVILLE withdrew his proposal.

Rules 89.1 and 94.1

18. Lord COLVILLE proposed that in both rules the words "of no more than five of its members" should be deleted on the grounds that it did not reflect what happened in practice.

19. Ms. EVATT said she had no real objection to the amendment, but felt it should be clear that in fact two working groups, were authorized, one of five members and one of four members, but since there were never enough members available for two separate groups the two usually met together.

20. Lord COLVILLE said that, in his view, removing the restriction, which was now outdated, would ensure that the actual situation was in accordance with the rules of procedure.

21. Rules 89.1 and 94.1, as amended, were adopted.

Rule 92

22. Lord COLVILLE proposed the addition of a new paragraph 4, reading: "Any member of the Committee who has participated in a decision declaring a communication admissible may request that his or her individual opinion should be appended to the Committee's decision".

23. Mr. SCHEININ pointed out that such a request had indeed been made in some cases, but he would hesitate to have it formally provided for in the rules of procedure without a discussion. Inadmissibility decisions and Views were final and public, but admissibility decisions were only an interim step in the consideration of a communication.

24. Ms. EVATT said she was doubtful about the proposal: the fact that five members must be positive that a communication was admissible on the basis of the particular issues defined did not leave much scope for a separate opinion. A dissenting view would undermine the consensus previously arrived at.

25. Mr. AMOR said that while the amendments adopted earlier had been relatively straightforward, the proposed new paragraph raised a number of substantive issues. The Committee ought not to be discussing important matters in haste and at the last minute.

26. Ms. CHANET shared that view.

27. Lord COLVILLE said he would not press his proposal; it should be kept pending to allow time for further discussion.

"Views"

28. Lord COLVILLE proposed that since the word "views" had now become a technical term used by the Committee in connection with consideration of communications under the Optional Protocol, an initial capital letter should be used wherever it appeared in that context in the rules of procedure; elsewhere it should be replaced by an equivalent term.

29. The CHAIRPERSON suggested that the Committee should defer a decision on that proposal since it clearly warranted further discussion.

30. Lord COLVILLE drew attention to the part of rule 68 relating to the presence of State party representatives at meetings. At some juncture, the Committee might wish to revise that part of the rule in the light of amendments to the consolidated guidelines for State party reports submitted under the Covenant.

Commemoration of the twenty-fifth anniversary of the Covenant and its Optional Protocol

31. Ms. CHANET suggested that since the Committee's March 2001 session would be held in New York and coincided with the anniversary of the Covenant and the Optional Protocol, a meeting should be organized with States parties to commemorate the event, to which the Secretary-General of the United Nations and the High Commissioner for Human Rights should be invited.

32. The CHAIRPERSON said that during discussion at the current session on how to commemorate the event, a number of ideas had been put forward but no decision had been reached. They included the organization of a public event, which would be attended by the Secretary-General and the High Commissioner and would include speeches on appropriate topics. The possibility of inviting a victim of human rights violations who had successfully sought redress through the Optional Protocol had also been considered, in order to highlight the importance of that instrument. Any further suggestions on the anniversary celebration should be addressed to Mr. Gaham in the High Commissioner's Office before the opening of the next session.

Communications under the Optional Protocol dealt with during the session

33. The CHAIRPERSON informed the Committee that during the current session Views had been issued with respect to eight communications. One communication had been declared admissible and five inadmissible. One case had been re-opened and four further cases discontinued.

CLOSURE OF THE SESSION

34. After the customary exchange of courtesies in which Ms. EVATT, Mr. BHAGWATI, Ms. CHANET, Mr. SOLARI YRIGOYEN, Ms. GAITAN DE POMBO, Mr. WIERUSZEWSKI, Lord COLVILLE, Mr. AMOR, and she herself participated, the CHAIRPERSON declared the seventieth session of the Human Rights Committee closed.

The meeting rose at 11.15 a.m.